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AUG 1 6 2004

In re Application of	:	OFFICE OF PETITIONS
Xie et al.	:	
Application No. 10/706,644	:	ON PETITION
<hr/>		
Deposited: November 12, 2003	:	
Attorney Docket No.: 1856-36301 (9782.0-02)	:	
Title: Novel Syngas Catalysts and Their Method of Use	:	

This is a decision on the petition to accord filing date filed June 1, 2004, requesting that the above-identified application be accorded a filing date of November 12, 2003.

Application papers in the above-identified application were deposited on November 12, 2003. However, on April 9, 2004 and May 14, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.¹

In response, 3 sheets of drawings, including figures 1-3 and the present petition were filed on June 1, 2004. The petition contends that the application as filed contained 3 sheets of drawings including figures 1-3 and were described in the original filed specification. In support, the petition is accompanied by a copy of applicant's postcard receipt which acknowledges receipt in the office of " Formal Drawings, figures 1-3 (3 sheets)" on November 12, 2003.

¹See 35 U.S.C. 111(a) (4)

Applicant's postcard receipt is prima facie² evidence that drawings were received on November 12, 2003, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 3 sheets of drawings, including figures 1-3, were received on November 12, 2003, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted. No petition fee is due. Deposit account 03-2769 has been credited the \$130.00 petition fee.

~~Since the original drawings cannot be located in the Office, the~~
copy of the drawings supplied on June 1, 2004, will be used for processing and examination purposes.

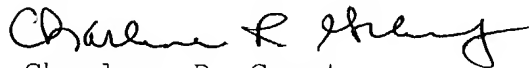
The office acknowledges receipt of the declaration and application data sheet.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The application will then be returned to the Office of Initial Patent Examination for further processing with a filing date of November 12, 2003, using the 3 sheets of drawings supplied on June 1, 2004.

²A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251 until September 24, 2004 thereafter (571) 272-3215.



Charlema R. Grant

Petition Attorney

Office of Petitions

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